



SELECTED LEGISLATION
from the
2007 Regular Session
of the
Louisiana Legislature

Prepared by

House Legislative Services
Louisiana House of Representatives
August 15, 2007

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I. CIVIL LAW AND PROCEDURE

A. SUBSTANTIVE, LIABILITY, AND DAMAGES

1. Romero (HB 643)

Act No. 331

Provides a limitation of liability for evacuation services and other assistance rendered prior to a storm declared by the NOAA weather service and for health care providers who render services in a community health care clinic or community pharmacy following a declared state of emergency.

Effective August 15, 2007. (Amends R.S. 9:2793.3-2793.6; Adds R.S. 9:2799.5(F))

2. E. Alexander (HB 727)

Act No. 109

Provides a limitation of liability for the National Voluntary Organizations Active in Disaster and its officers, employees, and volunteers who gratuitously render any evacuation assistance and disaster relief or recovery services in advance of or following a hurricane or tropical storm declared by NOAA weather service.

Effective upon signature of governor (June 22, 2007). (Adds R.S. 9:2793.8)

3. Marchand (HB 693)

Act No. 199

Provides that the secretary of state and certain agencies, organizations, and employees are not liable for acts or omissions under the "address confidentiality program" unless the act or omission is criminal, grossly negligent, intentional, or willful and involves a false application or obtaining or causing the release of a participant's physical address.

Provides that a program participant's name and physical address contained in the voter registration records of the secretary of state and registrars of voters are confidential and removes all exceptions.

Provides that service of process on a program participant shall be made on the secretary of state and that if a person knowingly serves a program participant personally or at the participant's physical address, such service will have no effect. Extends all legal delays for service of process on a program participant by 10 days.

Effective August 15, 2007. (Amends R.S. 44:52(A)(2) and (B)(2), 53(A)(3), and 54(B); Adds R.S. 44:52(B)(4) and 57)

B. PRESCRIPTION AND PEREMPTION

1. Bowler (HB 381)

Act No. 43

Provides that no insurance policy shall contain a provision limiting the right of action against an insurer to **less than 24 months** after the inception of the loss when the first-party claim arises under a policy of fire and extended coverage, steam boiler and sprinkler leakage, crop and livestock, and inland marine insurance, and adds burglary and forgery, glass, and homeowners' insurance to the coverages enumerated in existing law.

Provides that no suit for recovery that is based on the standard fire insurance policy shall be sustainable in a court of law unless commenced within 24 months after the inception of the loss, and specifies that the **24-month prescriptive period** for any suit or action based on such policies shall be limited to first-party claims.

Effective August 15, 2007. (Amends R.S. 22:629(B) and 691(F))

C. PROCEDURAL LAW

1. Lambert (HB 322)

Act No. 82

Requires city court judges to sign an **order of appeal** within three days and requires district court judges to sign an order of appeal within seven days.

Effective August 15, 2007. (Amends R.S. 13:4207)

2. Ansardi (HB 203)

Act No. 140

On recommendation of the Louisiana State Law Institute, provides that **electronically stored information** is discoverable, and requires parties claiming information as privileged or protected to make the claim expressly and to specify the nature of the document, without revealing protected information. Also provides procedures for when protected information is inadvertently disclosed.

Protects from discovery the mental impressions of the attorney that may be reflected in an expert's draft report.

Authorizes live **testimony of witnesses by video** and specifies the procedures for utilizing a commercial carrier for service of process.

Effective August 15, 2007. (Amends C.C.P. Arts. 1424, 1425, 1460, 1461, and 1462 and R.S. 13:3205; Adds C.C.P. Art. 1633.1)

3. Ansardi (HB 73)

Act No. 138

On recommendation of the Louisiana State Law Institute, changes the terminology and provides that a **compromise** is a contract whereby the parties through concessions settle a dispute or uncertainty and requires the contract of compromise to meet the formal requirements prescribed for the transfer or renunciation involved.

Provides that a compromise shall have a lawful object and the civil effects of a criminal act may be the object of a compromise, but the criminal action is not thereby extinguished. Also provides that a compromise can relate to the patrimonial effects of a person's civil status, but that status cannot be changed by the compromise.

Provides that a **renunciation or release of rights** shall be **strictly construed** and that a renunciation or release of rights not yet known is effective if the intent of the parties is clearly expressed, and provides that in tort actions and actions involving consumers' rights a renunciation or release of future claims shall be brought to the attention of the party renouncing or releasing rights.

Recognizes the common law mechanism of "**accord and satisfaction**" by adding that a compromise is made when the claimant of a disputed or unliquidated claim accepts a lesser amount with the expression that the claim is being settled thereby.

Provides that a compromise has a preclusive effect on subsequent actions in accordance with the intent of the parties and that a compromise does not effect a novation of the previous or antecedent obligation, and further provides that a compromise **suspends the running of prescription** on the claims settled by the compromise, if it is entered into prior to filing suit.

Effective August 15, 2007. (Amends C.C. Arts. 3071-3083)

4. Heaton (HB 966)

Act No. 361

Provides an additional **abandonment period** for pleadings filed prior to August 26, 2005, which were not previously abandoned, when the parties fail to take any step in its prosecution or defense for a period of five years due to Hurricane Katrina or Rita.

Provides that the additional abandonment period shall be **null and void** as of August 26, 2010.

Effective upon signature of governor (July 9, 2007). (Amends C.C.P. Art. 561(A))

5. Mount (SB 210)

Act No. 11

Requires **final judgments** for the payment of money to include the **last four digits of the social security number** of the judgment debtor, if known by the attorney preparing the judgment. However, the failure to include the information shall not affect the validity of the judgment.

Requires that a **recorded lien** having the effect of a money judgment shall also include the last four digits of the social security number or the IRS taxpayer identification number of the debtor, if known by the attorney preparing the lien. However, the failure to include the information shall not affect the validity of the judgment.

Effective upon signature of the governor (June 18, 2007). (Amends C.C.P. Art. 1922)

6. Ansardi (HB 150)

Act No. 23

Provides that the procedural provisions and protections regarding **subpoenas of attorneys** to reveal privileged information shall extend to lawyers representing the state or any political subdivision, whether the lawyer is the attorney general or assistant attorney general, a district attorney or assistant district attorney, or a municipal or city attorney or assistant municipal or assistant city attorney, and shall extend to lawyers employed by either house of the Louisiana Legislature.

Effective August 15, 2007. (Adds C.E. Arts. 507(E) and 508(E))

7. Baldone (HB 308)

Act No. 433

Provides that a **judgment debtor examination** may be in the parish **where the judgment was rendered** or where the debt was incurred, in addition to the existing law venue of where the judgment debtor is domiciled.

Provides that an action for the collection of an **open account** may be brought in the parish where the open account was created or where the services forming the basis of the open account were performed, or in the parish of the debtor's domicile.

Effective August 15, 2007. (Amends C.C.P. Art. 2452(B); Adds C.C.P. Art. 74.4)

8. G. Smith (HB 103)

Act No. 63

Provides that a **domestic business entity** that converts into a different form of entity shall be recognized by a licensing board or commission. Provides that prior to updating a license, a state board or commission may require certain information and provides for the issuance and effective date of the license retroactive to the date stated on the certificate of conversion.

Provides that, except for publicly traded entities, the provisions of this Act shall not apply to a converted entity seeking an updated license that has changed ownership.

Effective upon signature of governor (June 21, 2007). (Adds R.S. 12:1607)

D. CONTRACTS / CONSUMER PROTECTION

1. Hutter (HB 301)

Act No. 398

Increases from \$50,000 to \$75,000 the amount of the undertaking when a residential contractor is to be licensed. Provides that a "**residential building contractor**" means any person performing home improvement contracting when the cost of the undertaking **exceeds \$75,000**.

Provides that the board shall have the **authority to issue citations** to alleged violators, and provides that the violator may either plead no contest to the charge by paying a fine or he may appear at an administrative hearing. A residential building contractor who is the subject of two or more complaints within a six month period shall have his name and the nature of each complaint posted on the board's website.

Provides that home improvement contractors shall be required to obtain a residential contractor's license **prior to bidding on or entering into** any contracts in excess of \$75,000 after Oct. 1, 2007.

Provides that a home improvement contractor who fails to obtain a certificate of registration shall **not be entitled to file a lien or privilege** with respect to monetary sums allegedly owed under any contract.

Effective August 15, 2007. (Amends R.S. 37:2150.1(11), 2175.1(A)(intro. para.), and 2175.2(A); Adds R.S. 37:2162(L) and (M) and 2175.6)

2. Geymann (HB 317)

Act No. 39

Prohibits a person licensed under the **Residential Mortgage Lending Act** from engaging in or being financially compensated for any loan transaction in which such person, for a fee, commission, or other valuable consideration, **is acting as a licensee** under the **Louisiana Real Estate License Law**, in connection with the same residential loan transaction.

Effective August 15, 2007. (Adds R.S. 6:1090(I))

3. Hollis (SB 254)

Act No. 13

Clarifies that the **Residential Mortgage Lending Act** (RMLA) is the **primary law** governing mortgage lending loans. Notwithstanding, the parties to a consumer loan that is secured by a mortgage on one to four family residential immovable property may mutually agree that the loan will be governed by the **Louisiana Consumer Credit Law**.

Effective upon signature of governor (June 18, 2007). (Amends R.S. 9:3516(14) and (19); Adds R.S. 9:3511(F))

4. Hollis (SB 256)

Act No. 131

Authorizes the seller of a motor vehicle to collect a documentation and compliance fee, not to exceed \$100 to comply with state and federal laws.

Voids and makes unenforceable any litigation or arbitration clause contained in a motor vehicle credit transaction that was entered into in the state of Louisiana which would **remove the transaction outside of Louisiana**.

Effective upon signature of governor (June 25, 2007). (Amends R.S. 6:969.18(A)(2) and 969.36(A)(8); Adds R.S. 6:969.42)

II. SUCCESSIONS AND TRUSTS

1. Williams (HB 636)

Act No. 105

Includes a **public administrator** as an enumerated person under existing law who may obtain disclosure of a **confidential death certificate** upon written request to the state registrar.

Existing law prohibits the disclosure of confidential death certificate information unless a court orders that information is necessary for the resolution of the proceeding and then only for that purpose, but that these provisions shall not apply in any case where any sheriff, United States attorney, attorney general, or district attorney makes a written request to the state registrar, who shall disclose the contents of the death certificate to one of the enumerated persons.

Effective August 15, 2007. (Amends R.S. 40:41(B)(2))

2. N. Gautreaux (SB 90)

Act No. 371

Repeals the **state gift tax** effective July 1, 2008.

Repeals the requirement of obtaining a **judgment of possession or the judicial opening** of the succession before the last day of the ninth month following the death of the decedent for deaths occurring after June 30, 2004. Allows a **refund** for taxes paid on deaths occurring after June 30, 2004, if a claim is made between August 1, 2008, and December 31, 2009.

Applicable to tax years beginning on and after January 1, 2008.

Effective upon signature of the governor (July 10, 2007). (Amends R.S. 47:2401(B) and CCP Art. 2953(C)(1); Adds R.S. 47:297.7(A), 2451(A)(5) and 6026; Repeals R.S. 47:1201 through 1212)

III. FAMILY LAW

A. MARRIAGE, DIVORCE, AND DOMESTIC MATTERS

1. Faucheux (HB 780)

Act No. 114

Authorizes a **federal court judge** whose official duty station includes a municipality in excess of 470,000 persons according to the latest decennial census to perform **marriage ceremonies** within his official duty station from October 1, 2007, through October 31, 2007.

August 15, 2007. (Adds R.S. 9:203(E)(5))

B. CHILD SUPPORT, PATERNITY, AND CUSTODY

1. Arnold (HB 501)

Act No. 99

Requires a child custody or support proceeding to be **transferred** to the parish where a party has established a new domicile after August 26, 2005, and before August 15, 2007, if the other party is a nonresident of the state.

Requires the motion for transfer to be filed on or before December 31, 2007.

Effective August 15, 2007. (Adds C.C.P. Art. 74.2(F))

2. Broome (SB 73)

Act No. 369

Creates the **Uniform International Child Abduction Prevention Act**. Provides for procedures for filing petitions, jurisdiction, and cooperation and communication among courts.

Provides factors to determine the risk of abduction and authorizes courts to determine and impose abduction prevention measures and remedies.

Provides that an abduction prevention order remains in effect until the earliest of the time stated in the order, the emancipation of the child, the child attains 18 years of age, or the time the order is modified, revoked, vacated or superseded by a court.

Effective August 15, 2007. (Adds R.S. 13:1851-1862)

3. Mount (SB 208)

Act No. 265

On recommendation of the Louisiana State Law Institute, provides a **parenting coordination** process, which is a child-focused alternate dispute resolution process, in which a duly qualified parenting coordinator, assigned by the court in certain high conflict cases, assists parents or persons exercising parental authority to implement a parenting plan by

facilitating the resolution of their disputes in a timely manner and to reduce their child-related conflict so that the children may be protected from the impact of that conflict.

Effective August 15, 2007. (Adds Ch.C. Art. 603(13)(h) and R.S. 9:358.1-358.9)

4. Martiny (HB 149)

Act No. 139

Provides for the voluntary assignment of deferred **lottery annuity prizes** upon court order if: (1) the assignor and assignee do not seek assignment for purposes of evading creditors, judgments, or obligations of child support, (2) the assignor and assignee have certified that neither of them has a child support obligation or, if either does, that no arrearage is due, and that neither the assignor nor the assignee is obligated to repay any public assistance benefits or overpayment of child support, and (3) DSS, office of family support, provides a certification regarding whether child support payments are in arrears or whether an overpayment exists.

Effective August 15, 2007. (Amends R.S. 47:9025(B)(1); Adds R.S. 47:9027)

C. CHILDREN'S CODE: ADOPTION, CHILD IN NEED OF CARE, JUVENILES

1. Honey (HB 751)

Act No. 111

Expands the persons who may petition for **intrafamily adoption** of a child to include second and third cousins.

Effective August 15, 2007. (Amends Ch.C. Art. 1243(A))

2. Doerge (HB 178)

Act No. 396

On recommendation of the Louisiana State Law Institute, permits a court to refer cases to mediation in families in need of services (FINS) cases.

Adds to the definition of "**prenatal neglect**" exposure in utero to chronic or severe use of alcohol that produces observable and harmful effects in the newborn's physical appearance or functioning and defines "newborn" as a child determined by a physician to be less than 30 days old.

Requires a physician to issue a report to the local child protection office if he determines a newborn has observable and harmful effects in his physical appearance which he believes are due to chronic or severe use of alcohol by the mother during pregnancy.

Effective when sufficient funds are appropriated by the legislature for this purpose. (Amends Ch.C. Arts. 437(A), 603(16.1), and 610(G); Adds Ch.C. Art. 603(14.1.1))

3. Winston (HB 393)

Act No. 95

Provides for the **Indigent Parents' Representation Program**, which shall provide qualified legal counsel to indigent parents in child abuse and neglect cases.

Provides that except for the inherent regulatory authority of the Louisiana Supreme Court provided for in La. Const. Art. V, §5, regarding the regulation of the practice of law, the Indigent Defense Assistance Board or any successor to that board shall have all regulatory authority, control, supervision, and jurisdiction, including auditing and enforcement, and all power incidental or necessary thereto to administer a program to provide for the delivery of indigent parent representation throughout the courts of the state of Louisiana.

Provides for special reporting requirements for indigent parent representation cases. Further provides for a penalty of \$100 for a district public defender for each day until the annual report or required accurate information is filed.

Provides that this Act does not create any new right, right of action, or cause of action or eliminate any right, right of action, or cause of action in present law. Provides for auditing requirements for attorneys representing indigent parents in child abuse and neglect cases.

Provides that R.S. 46:460.21 is repealed effective December 31, 2012, upon the payment of all outstanding requests for fees made by attorneys for services through June 30, 2012.

Effective August 15, 2007. (Amends R.S. 46:460.21(A)(1), (2), (3), (5)(intro. para.), and (6) and (B)(1); Adds R.S. 46:460.21(B)(1.1) and (G) and Ch.C. Arts. 571-575 and R.S. 15:185.1-185.9)

4. Curtis (HB 669)

Act No. 334

On recommendation of the Louisiana State Law Institute, this Act makes the necessary state law revisions to comply with the federal **Safe and Timely Interstate Placement of Foster Children Act of 2006**.

Requires that notice of any court hearing regarding a child be given to parents, parties, foster parents, pre-adoptive parents, and relatives providing care and provides for notice of the right to be heard and permits the court to hold a hearing under certain circumstances even if a person is absent.

Requires the court to consider in-state and out-of-state permanent placement options if it determines that reunification efforts are not required or when removal is appropriate.

Requires the court in a permanency hearing to consult the child, in an age-appropriate manner, regarding the proposed permanency or transition plan for the child.

Provides that for a child of age 16, the hearing must determine the services the child needs to move from foster care to independent living.

Effective August 15, 2007. (Amends Ch.C. Arts. 623, 624(B) and (C), 645, 672.1(D), 675(B)(3), 682(A), 695(A) and (C), 702(A) and (F), 705(A) and (C), and 1025; Adds Ch.C. Arts. 116(6) and (8.1), 603(11), 622.1, 679(D), 702(I) and (J), 780(E), and 901(F))

5. Broome (SB 72)

Act No. 119

Allows DSS to notify parents of children in registered family child day care homes of a **valid abuse finding**, as is currently allowed for similar findings in public or private day care centers, and authorizes DSS to release to the Department of Education limited information as to valid findings of child abuse, neglect, or exploitation occurring at a family child day care home that is registered by that department.

Effective upon signature of the governor (June 25, 2007). (Amends Ch. C. Art. 603(3) and R.S. 46:56(F)(4)(c))

6. Bruce (HB 136)

Act No. 70

Authorizes the taking of testimony outside of the courtroom in a criminal prosecution or a juvenile proceeding from a "**protected person**" defined as a person under the age of seventeen years or who has a developmental disability.

Effective August 15, 2007. (Amends R.S. 15:283(E)(1) and 440.2(C) and Ch.C. Arts. 323(2)(a) and (b) and 324(B))

7. Nevers (SB 91)

Act No. 122

In the **foster parents bill of rights**, adds the following rights:

- (1) Uniform treatment throughout the state by the department in the providing of information to foster parents and exercise of the rights granted to foster parents.
- (2) Information provided to foster parents by the department shall include written information explaining the rights and duties of foster parents, and a record shall be kept by the department showing the signatures of the foster parents acknowledging receipt of this information.
- (3) Information concerning participation as foster caregivers in legal and administrative actions as authorized by law.

Requires DSS to adopt rules no later than January 1, 2008, to implement the provisions of this Act.

Effective upon signature of the governor (June 25, 2007). (Amends R.S. 46:52.1(C)(1)(b) and 286.13(1), (2), and (5))

IV. PROPERTY

1. Kostelka (SB 23)

Act No. 8

Provides that **notice of lease** provisions apply to certain **mineral leases**, and that notices for mineral leases shall include the primary term of the lease and any additional period during which the lease may be maintained by the payment of the rentals.

Effective upon signature of the governor (June 18, 2007). (Amends R.S. 44:104(E))

2. Pinac (HB 704)

Act No. 335

Provides that all municipalities and parishes shall use **building code enforcement officers or certified third-party providers** contracted by the municipality, parish, or regional planning commission to enforce the code.

Provides that the **exemption for manufactured housing** shall extend to driveways, steps, decks, or other similar accessory structures or work, but shall not include any additional living area or other type of heated and cooled space outside of the original footprint of the manufactured home.

Provides that the 2006 edition of the International Residential Code is adopted and amended to include Section R301.2.1.1 of the 2003 edition of the International Residential Code in lieu of Section R301.2.1.1 of the 2006 edition, and law shall remain in effect until the 2009 edition of the International Residential Code is published.

Provides that enforcement of the adopted standards of the International Residential Code shall be mandatory only with respect to new construction, reconstruction, additions to homes previously built to the residential code, and extensive alterations.

Effective upon signature of governor (July 9, 2007). (Amends R.S. 40:1730.22(A) and (B), 1730.23(A) and (B), 1730.24(B), 1730.26(1) and 1730.28(A)(intro. para.) and (3); Adds R.S. 40:1730.28(C))

3. Morris (HB 578)

Act No. 195

Relative to tax sales of property for satisfaction of ad valorem taxes, provides that if the tax collector determines from the description of the property contained on the assessment rolls that it is not divisible in kind, he shall then sell immediately the least quantity of property which any bidder will buy for the amount of the taxes, interests, and costs.

Effective upon signature of governor (June 27, 2007). (Amends R.S. 47:2184)

V. MORTGAGES, SECURITY DEVICES, AND PRIVILEGES

1. Gallot (HB 739)

Act No. 337

Requires the recorder of mortgages to **cancel a mortgage or vendor's privilege** upon receipt of an affidavit from a notary public, **title insurer, or licensed financial institution** when the paraphed promissory note secured by a mortgage or vendor's privilege on immovable property has been lost or destroyed, and provides that **no mandamus proceeding is required** to use this cancellation procedure.

Requires the affidavit of cancellation to set forth: (1) a description of the promissory note and the property; (2) that the affiant did satisfy the promissory note; (3) that the affiant did receive the note marked "Paid in Full" from the last holder of the note; (4) that the note was lost or destroyed while in the affiant's custody; (5) that the affiant agrees to hold harmless the clerk of court or recorder of mortgages for any loss or damage occasioned by his failure to produce the note; and (6) a statement that the affiant has made a due and diligent search for the note, the note cannot be located, and 60 days have elapsed since payment or satisfaction of the note.

Provides that the affidavit of cancellation shall be executed before a notary public or duly acknowledged before a notary public **with or without witnesses** or any act that is otherwise self-proving under the provisions of C.E. Art. 902(1), (2), (3), or (8), and provides a standard **cancellation form** for licensed financial institutions which shall be accepted by the recorder of mortgages for each and every parish.

Provides that the affiant who has signed an affidavit that is provided to the recorder of mortgages that contains **materially false or incorrect statements** that cause the recorder to incorrectly cancel the recordation of a mortgage or privilege is **liable to and shall indemnify the recorder and any person relying upon the cancellation** for any damages that they may suffer as a consequence of such reliance, and that a person who knowingly provides the materially false or incorrect statement is also guilty of false swearing under the provisions of R.S. 14:125.

Effective August 15, 2007. (Amends R.S. 9:5167 and R.S. 44:106(A), 109(A), and 110; Adds R.S. 44:109.1)

2. Gray (HB 796)

Act No. 115

Retains existing procedures whereby certain municipalities or parishes have **liens and privileges** against immovable property for violations of public health, housing, fire code, environmental, and historic district ordinances, and authorizes the enforcement of the lien and privilege by applying to the clerk of the district court for the issuance of a writ directed to the sheriff of the parish where the judgment is to be executed.

Effective August 15, 2007. (Amends R.S. 13:2575(C)(1) and 2576(A)(1))

VI. LABOR AND WORKER'S COMPENSATION

1. Badon (HB 345)

Act No. 89

Requires employers to **electronically file** contribution and wage reports.

Permits the secretary to **waive the reporting requirements** for an employer who files a request for waiver and proves that it is experiencing hardship.

Effective upon signature of governor (June 22, 2007). (Amends R.S. 23:1541(4); Adds R.S. 23:1531.1)

2. Curtis (HB 651)

Act No. 332

Provides for the reimbursement from the Second Injury Fund of **all weekly compensation payments, death benefit payments, and medical expenses actually paid** by an employer who knowingly employs an employee who has a permanent partial disability during certain periods of time and after a certain number of payments have been made.

Provides that for **settlements** occurring after July 1, 2007, the fund shall **reimburse** or credit an employer or creditor for **attorney fees paid** that have been reviewed and approved by a worker's compensation judge.

Effective upon signature of governor (July 9, 2007). (Amends R.S. 23:1378(A)(1), (2), (3)(a)(intro. para.) and (b)(intro. para.), (6), and (7))

3. E.J. Guillory (HB 779)

Act No. 113

Changes the name of the office of regulatory services to the **office of unemployment insurance administration** within the Department of Labor.

Provides that the office shall perform functions relating to the administration and enforcement of programs and services affecting unemployment compensation.

Directs the Louisiana State Law Institute to change all references to "office of regulatory services" to "office of unemployment insurance administration".

Effective August 15, 2007. (Amends R.S. 23:1651 and R.S. 36:308(B) and (C))

4. Morrell (HB 221)

Act No. 288

Extends the date of reimbursement of unemployment benefits charged to the state, local governments, or eligible nonprofit organizations as a result of Hurricane Katrina or Rita from January 1, 2007 to July 1, 2008.

Effective upon signature of governor (July 9, 2007). (Amends R.S. 23:1552(B)(6) and (7))

Creates the **Lost Wage Benefits for Domestic Violence Victims Act**. Allows domestic violence victims to collect lost wage benefits when they must leave their employment to escape abuse. The benefits are not charged to the employer's account nor are they charged to the unemployment trust fund. Benefits are paid from monies appropriated by the state, plus any federal funds, donations, gifts, or grants, and any other monies which may be provided by law.

Effective August 15, 2007. (Adds R.S. 23:1770-1775)

VII. CRIMINAL JUSTICE

A. NEW CRIMES

1. Martiny (HB 184)

Act No. 73

Creates the crime of **theft of utility property** valued in excess of \$100 belonging to another without the consent of the owner. Provides that the intent to permanently deprive the owner of the property is an essential element of the crime. Defines "utility" and "utility property".

Penalties: A fine of not more than \$10,000 or imprisonment, with or without hard labor, for not less than two years nor more than 10 years, or both.

Effective upon signature of governor (June 22, 2007). (Adds R.S. 14:67.24)

2. Ritchie (HB 108)

Act No. 425

Creates the crime of organizing or conducting a commercial or private **cockfight**, wherein there is a display of combat or fighting among one or more domestic or feral chickens and in which it is intended or reasonably foreseeable that the chickens would be injured, maimed, mutilated, or killed. Prohibits persons from possessing, training, purchasing, or selling any chicken with the intent that the chicken engage in an unlawful cockfight.

Penalties:

- (1) **1st offense**, the offender shall be fined not more than \$1,000, or imprisoned for not more than six months, or both.
- (2) **2nd offense**, the offender shall be fined not less than \$750, nor more than \$2,000, or imprisoned, with or without hard labor, for not less than six months nor more than one year, or both. Mandates 5 eight-hour days of court-approved community service, which cannot be suspended.
- (3) **3rd offense**, the offender shall be fined not less than \$1,000, nor more than \$2,000, and shall be imprisoned, with or without hard labor, for not less than one year nor more than three years. At least six months of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.

Exempts traditional rural Mardi Gras parades and runs involving chickens, and processing/transportation of agricultural products from the crime of cruelty to animals. Repeals provision excluding fowl from definition of "animal" under the crime of cruelty to animals.

Effective August 15, 2008. (Amends R.S. 14:102.1(C); Adds R.S. 14:102.23; Repeals R.S. 14:102.1(D))

3. M. Powell (HB 113)

Act No. 395

Creates the crime of **organized retail theft** and defines it as the intentional procuring, receiving, or concealing of stolen retail property with the intent to sell, deliver, or distribute that property. Defines "retail establishment", "retail property", "retail property fence", "stolen retail property", and "value".

Creates a presumption that the person has possessed, received, procured, or concealed stolen retail property with the intent to sell, deliver, or distribute that property under specific circumstances.

Penalties: When the aggregate amount of the misappropriation, taking, purchasing, possessing, procuring, receiving, or concealing in any 180-day period amounts to a value less than \$500, of imprisonment with or without hard labor for not more than two years, or a fine of not more than \$2,000, or both, and when the value is more than \$500, imprisonment with or without hard labor for not more than 10 years, or a fine of not more than \$10,000, or both.

Effective August 15, 2007. (Adds R.S. 14:67.24)

4. Downs (HB 969)

Act No. 363

Creates the crime of **prohibited sexual conduct** between an educator and a student. The crime is committed when:

- (1) An educator has sexual intercourse with a person who is 17 years of age or older, but less than 19 years of age, when the victim is not the spouse of the offender and is a student at the school where the educator is assigned, employed, or working at the time of the offense.
- (2) An educator commits any lewd or lascivious act upon a student or in the presence of a student who is 17 years of age or older, but less than 19 years of age at the school in which the educator is assigned, employed, or working at the time of the offense with the intention of gratifying the sexual desires of either person, when the victim is a student at the school in which the educator is assigned, employed, or working at the time of the offense.
- (3) An educator intentionally engages in the touching of the anus or genitals of a student who is 17 years of age or older, but less than 19 years of age and a student at the school in which the educator is assigned, employed, or working at the time of the offense using any instrumentality or any part of the body of the educator, or the touching of the anus or genitals of the educator by a person 17 years of age or older, but less than 19 years of age and a student at the school in which the educator is assigned, employed, or working at the time of the offense using any instrumentality or any part of the body of the student.

Provides that neither the consent of a student, whether or not that student is 17 years of age or older, nor the lack of knowledge of the student's age shall not be available as a defense.

Further provides that any educator having cause to believe that prohibited sexual conduct between an educator and student shall immediately report such conduct to a local or state law enforcement agency and no cause of action shall exist for good faith reporting.

Penalties: A fine of not more than \$1,000 or imprisonment for not more than six months, or both. For a second or subsequent offense, an offender may be fined not more than \$5,000 and shall be imprisoned, with or without hard labor, for not less than one year nor more than five years.

Effective August 15, 2007. (Adds R.S. 14:81.4)

5. Nevers (SB 161); Beard (HB 614)

Act Nos. 473 and 477

- (1) Prohibits a physician from performing a **partial birth abortion**. Provides for an exception when the partial birth abortion is necessary to save the life of the mother whose life is endangered by a physical disorder, physical illness, or physical injury.
- (2) Provides penalties of a fine of not less than \$10,000 nor more than \$100,000, imprisonment at hard labor for not less than one nor more than ten years, or both.
- (3) Authorizes a defendant charged with such offense to seek a review by the Louisiana State Board of Medical Examiners, provides for admissibility of those findings in the trial of the defendant, and provides that such report shall be discoverable.
- (4) Prohibits a woman upon whom a partial birth abortion is performed from being prosecuted for this offense, as a principal, accessory or coconspirator.
- (5) Creates a cause of action for **civil damages** for injuries and wrongful death for a partial birth abortion procedure. Provides that the cause of action shall be maintained by the following persons:
 - (a) Father of the fetus.
 - (b) Mother of the fetus, unless she is of the full age of majority and consented to the procedure.
 - (c) Parents or guardian of the mother if she is a minor, unless they consented to the procedure.

Act Nos. 473 and 477 provide for **different definitions of a physician**. Both Acts were signed by the governor and became effective July 12, 2007.

Last legislative action for SB 161(Act No. 473) - June 27, 2007. Last legislative action for HB 614 (Act No. 477) - June 26, 2007.

Effective upon signature of the governor (July 12, 2007). (Adds R.S. 14:32.10 and R.S. 40:1299.35.17; Repeals R.S. 14:32.9 and R.S. 40:1299.35.16)

B. OTHER CRIMINAL MATTERS

1. Martiny (HB 436)

Act No. 307

Creates the **Louisiana Public Defender Board** (LPDB) and provides that the members of the Louisiana Indigent Defense Assistance Board (LIDAB) will continue to serve as members of the new board and transfers all obligations, duties, powers, and responsibilities of LIDAB to LPDB.

Provides for an **extensive re-write of the law regarding the delivery of indigent defender services** in the state. Act No. 307 authorizes the development of uniform standards and guidelines for the delivery of indigent defender services and provides for the authority to sanction attorneys for non-compliance with those standards and also provides for monthly reporting on the district level revenues and expenditures. The Act provides for an improved delivery of indigent defender services through the adoption of uniform standards, regular reporting and enforcement and provides for a system of consistency, monitoring and compliance regarding the delivery of indigent defender services. The Act transfers the existing board members from the Indigent Defense Assistance Board to the Louisiana Public Defender Board. The board is charged with developing mandatory statewide standards and guidelines for the practice of indigent defense delivery which are adopted by rules in accordance with the APA. The bill repeals the provisions of law authorizing individual indigent defender boards in judicial districts.

Effective August 15, 2007. (Amends R.S. 9:2800.16, R.S. 15:85.1(A)(2)(b), 146-149.1, 150, 151, 1202(A)(13), and 1424(B)(3), R.S. 24:513(A)(3), 515.1(A), (B)(intro. para.), and (D), and 517.1(F)(1) and (2), R.S. 33:1342(1), R.S. 36:4(D) and 801.1(A), R.S. 39:1302(1)(f), R.S. 46:236.5(B)(2), Ch.C. Arts. 321(C) and (D), 607(A), 608(B), 740(B), and 809(C) and (E), and C.Cr.P. Arts. 944(A), 948(A), and 953; Adds R.S. 15:141-143, 149.2, and 152-184; Repeals R.S. 15:144, 145, 145.1, and 151.2)

2. Cazayoux (HB 970)

Act No. 460

Provides for a comprehensive **revision of the sex offender registration** and notification provisions, including the following major changes:

- (1) Amends the definition of "aggravated offense" and requires those offenders to **register for life**.
- (2) Adds the definition of "sexual offense against a victim who is a **minor**" and requires those offenders to register for a period of **25 years**.
- (3) Provides that **all other sex offenders shall register for a period of 15 years**.
- (4) Decreases the time period in which an offender has to register from 10 days to three business days.

- (5) Requires juveniles over the age of 14 who have been adjudicated delinquent for certain offenses to register with local law enforcement agencies.
- (6) Requires sex offenders and child predators to register with the sheriff of the parish of residence, where the offender attends school, where the offender works, and in the parish of conviction.
- (7) Requires in-person verification by the offender on a periodic basis. Those convicted of an aggravated offense must verify registration **every three months**, those convicted of a sexual offense against a victim who is a minor must verify registration **every six months**, and all other sex offenders shall verify on an annual basis. Requires the offender to **submit fingerprints** to the sheriff in the parish of residence on an **annual basis**.
- (8) Amends the procedures in which the sex offender must notify law enforcement of a change of address, including the community notification requirement regarding notification to the superintendent of park, playground, and recreational districts. Requires community notification to be made **upon change of residence or every five years**.
- (9) Consolidates provisions regarding emergency procedures for sex offenders who are displaced or evacuated, and amends the provisions regarding the duties of the Dept. of Public Safety and Corrections, the Bureau of Criminal Identification and Information, and the courts regarding their obligations to notify offenders of their registration and notification requirements.
- (10) Adds new provision which provides that court records are subject to disclosure to the district attorney, sheriff, or other law enforcement officers for the purpose of fulfilling their duties with regard to sex offender registration and notification requirements, **without the necessity of obtaining a court order** or other authorization for release of such records.
- (11) Provides that the **crime of failure to register** shall include the failure to register, periodically renew and update registration, provide proof of residence, notification of change of address, or other registration information, or community notification. Provides that knowingly providing false information to law enforcement shall also constitute a failure to register.

- (12) Provides that the court may waive sex offender registration and notification requirements in cases of felony carnal knowledge when the victim is 13 years or older and the perpetrator is less than four years older than the victim. Prohibits waiver of these requirements in all other cases, and provides that any order waiving such requirements shall be null and void.

Sections 1 and 7 are effective upon signature of the governor (July 11, 2007); Sections 2 through 6 and Section 8 are effective on January 1, 2008. (Amends C.Cr.P. Art. 895.1(F)(4)(c), and R.S. 15:541(1), (9)(intro. para.) and (b), (14.1), 20(a), and (21), 542, 542.1, 543(A), (B), and (C), 543.1, 544, 545(A)(1), and 549(A)(intro. para.), (B)(intro. para.), and (D); Adds R.S. 15:541(14.2) and (22), 542.1.1, 542.1.2, 542.1.3, 542.1.4, 542.1.5, 542.1.6, 542.1.7 and 543.2; Repeals C.Cr.P. Art. 895(H)(4) and R.S. 15:543(D))

3. Martiny (HB 88)

Act No. 227

Relative to the crime of **operating a vehicle while intoxicated**, deletes the element that the consumption of excessive quantities of drugs exceeding prescribed dosages be done so knowingly by the operator and provides that it shall be an affirmative defense to any charge that the operator did not knowingly consume quantities of any drugs which substantially exceed the dosage prescribed by the physician or the dosage recommended by the manufacturer of the drug.

Effective August 15, 2007. (Amends R.S. 14:98(A)(1)(e))

4. St. Germain (HB 137)

Act No. 71

Regarding the **seizure and forfeiture of property** as contraband, derivative contraband, or property related to contraband, provides that the district attorney may petition the court for a sale pending forfeiture of any vessel, vehicle, aircraft, merchandise, or other property which is subject to forfeiture and if the hearing has not been held within 60 days of filing a claim or 180 days of the seizure under certain conditions.

Effective August 15, 2007. (Adds R.S. 40:2607(D) and 2608.1)

5. Chaisson (SB 172)

Act No. 262

Relative to actions for **compensation for wrongful conviction** and imprisonment, changes the venue **from** the 19th Judicial District Court **to** the district court in which the original conviction was obtained.

Provides that compensation for the loss of life opportunities **shall not exceed \$40,000**, and requires any judgment rendered to be payable only from the Innocence Compensation Fund.

Provides that the attorney general shall represent the state in these proceedings.

Requires that the court submit an annual report to the judicial administrator of the supreme court and that the judicial administrator submit an annual report to the governor and legislature.

Effective August 15, 2007. (Amends R.S. 15:572.8)

6. Damico (HB 243)

Act No. 29

Provides that the clerk of court for the 24th JDC (Jefferson Parish) may place his signature by electronic means on all subpoenas issued for the compulsory attendance of witnesses at hearings or trials.

Effective August 15, 2007. (Amends C.Cr.P. Art. 731(B))

7. Scalise (HB 313)

Act No. 295

Increases the time period from 60 days to 120 days for filing an **indictment for felony** offenses for which the punishment may be death or life imprisonment.

Effective August 15, 2007. (Amends C.Cr.P. Art. 701(B)(1))

8. Wooton (HB 342)

Act No. 41

Adds **domestic abuse battery** to the list of enumerated misdemeanors for providing for enhanced sentences depending upon whether a firearm was possessed, used, or discharged.

Effective upon signature of governor (June 18, 2007). (Adds C.Cr.P. Art. 893.3(J)(6))

VIII. INSURANCE

1. Toomy (HB 596)

Act No. 156

Provides that the actions or **fault of a named insured** that is determined to be the cause of a loss by fire to the insured property **shall not be imputed to any other insured** such that the innocent insured would be deprived of coverage provided by the policy. Specifies that in case of arson, the policy proceeds may only be reduced by the proper interest attributable to the arsonist. Further requires that, in the case of multiple named insureds, an innocent insured shall receive his proportionate share of the policy proceeds.

Provides that if a court determines that a policy of fire insurance issued by any insurer on property in this state may be **voidable for the breach of any material representation**, warranty, or condition contained in said policy or in the application thereof, such judicial determination shall only apply to the claim that is the subject of the litigation and shall not apply retroactively to any prior claim submitted by any insured.

Effective upon signature of governor (June 25, 2007). (Amends R.S. 22:615 and 692.1)

2. Cravins (SB 204)

Act No. 381

Provides that the phrase "two or more claims within a period of three years" **does not include** any loss incurred or arising from an "**Act of God**" **incident** which is due directly to forces of nature and exclusively without human intervention relative to an insurer's ability to cancel a policy or increase a deductible.

Effective upon signature of governor (July 10, 2007). (Amends R.S. 22:635.3(C) and 636.2(D))

3. Cravins (SB 205)

Act No. 222

Creates the **office of consumer advocacy** within the Department of Insurance.

Creates a **policyholder bill of rights** but does not create additional causes of actions or further penalties not otherwise provided under Louisiana statutes.

Clarifies in the policyholder bill of rights that if a claim is denied, the policyholder has the right to written explanation as to the reason for the denial, in whole or in part, of any claim made under the insurance policy, and that the policyholder, as to property damage claims, has a right to receive any estimates, bid, plans, measurements, and drawings prepared by or for the insurer but allows the company to keep confidential any adjustor notes, logs, or documents prepared in conjunction with a fraud investigation.

Provides that the policy holder has a right to a readable policy, to receive a complete property insurance policy, and to request a duplicate or replacement policy as needed.

Requires an insurer of a residential or commercial property to respond to all inquiries or requests from the insured **within fourteen days of the inquiry** or request, unless such time period to respond has been extended by the commissioner of insurance because of a declared disaster or emergency and requires prompt adjustments by a qualified adjuster under the Louisiana Claims Adjuster Act. Provides that violations committed or performed with such frequency as to indicate a general business practice shall subject the insurer to the **Unfair Trade Practices Act** of the Insurance Code.

Effective upon signature of governor (July 2, 2007). (Amends R.S. 36:681(C)(1); adds R.S. 36:696 and R.S. 22:1455 and 1476)

4. Barrow (HB 910)

Act No. 354

Requires rental car companies to maintain mandatory minimum insurance on their vehicles. However, provides that the insurance shall apply only when there is no other valid or collectible insurance meeting the minimum financial responsibility requirement. Further provides that such financial responsibility protection for third party liability claims against renters and drivers applies only if the renter or driver is not in violation of the rental agreement, if the renter or driver is not otherwise insured to satisfy the minimum financial responsibility laws, and if the third party claimant does not have uninsured or underinsured motorist coverage.

Effective August 15, 2007. (Amends R.S. 22:681)

IX. JUDICIAL AFFAIRS

A. GENERAL PROVISIONS

1. LaBruzzo (HB 305)

Act No. 5

Requires each person selected and summoned to serve in the **central jury pool of the 24th JDC** as a prospective juror or talesman to **attend punctually** and provides that after proof of actual notice, willful failure to attend shall constitute contempt of court and shall be punishable by a **fine of \$100 for each violation**.

Provides that the compensation for each person attending jury service pursuant to a summons for both civil and criminal trials shall be \$25 for each day of attendance in court, and the mileage allowance shall be not less than 16¢ per mile nor more than the rate in effect for state officials.

Requires the court to **fix the amount of the bond** to cover all costs related to the jury trial when the case has been set for trial and shall fix the time for filing the bond, which shall be **not later than 60 days prior to trial**.

Authorizes the court to order, in lieu of the bond, a **deposit for costs**, which shall be a specific cash amount, and requires the court to fix the time for making the deposit, which shall be **not later than 60 days prior to trial**. Also prohibits the deposit from exceeding \$2,000 for the first day and \$400 per day for each additional day the court estimates the trial will last. Also provides that failure to post the cash deposit shall constitute a **waiver of a trial by jury**. Requires the clerk of court to refund to the party filing the cash deposit any unexpended amounts after payment of all jury costs.

Effective June 8, 2007. (Adds R.S. 13:3049.1)

2. Sheppard (SB 162)

Act No. 261

Divides the **first district, of the Fifth Circuit Court of Appeal**, composed of the parish of Jefferson, into **two election sections** with certain precincts in each section.

Provides that the first vacancy created by the death, resignation, retirement, or removal of a judge of the first district occurring after August 15, 2007, shall be filled by election from section two of the first district and such judgeship shall be assigned to section two of the first district for election purposes thereafter.

Further provides that if no election has occurred or is scheduled to occur to fill a vacancy in such a judgeship from section two prior to the opening of qualifying for the regular statewide elections in 2012, the regular election to fill the judgeship designated as Division G of the first district shall be held in section two of the first district and such division shall be assigned to section two for election purposes thereafter.

Effective upon the entering by the court of a written consent judgment expressing agreement of the parties and settlement of claims in the matter entitled *Henry Williams, et al. v. Fox McKeithen, et al.*, No. 05-1180, United States District Court for the Eastern District of Louisiana, in which such consent judgment the parties agree to the implementation of the provisions of this Act. (Amends R.S. 13:312(5) and 312.1(E))

3. Bruce (HB 846)

Act No. 416

Provides that the 11th Judicial District Court shall be composed of Sabine Parish and the **newly created 42nd Judicial District Court shall be composed of DeSoto Parish** with the 11th JDC having one judge and the 42nd JDC having two judges.

Effective January 1, 2009 if ratified by the voters. (Amends R.S. 13:477(intro. para.) and (11), 621.11, and 700.3 and R.S. 16:51(A)(11), 262, 263, 264, and 265; Adds R.S. 13:477(42), 621.42.1, 621.47, 700.4, and 996.65 and R.S. 16:51(A)(42), 921, 922, 923, 924, and 925)

4. Walsworth (HB 121)

Act No. 64

5. Jones (SB 36)

Act No. 210

*** These two acts are exact duplicates ***

Creates **two additional judgeships in the 4th Judicial District Court** (Morehouse and Ouachita Parishes). Term of office to begin January 1, 2009.

Effective January 1, 2008. (Amends R.S. 13:621.4)

6. R. Carter (HB 72)

Act No. 3

Provides an **additional judgeship in the 21st Judicial District Court** (Livingston, St. Helena, and Tangipahoa Parishes) with subject matter jurisdiction limited to juvenile matters as provided by law.

Effective upon signature of the governor (June 8, 2007). (Amends R.S. 13:621.21)

7. Farrar (HB 974)

Act No. 422

Provides that the actual **salary of the supreme court, courts of appeal, and district court judges** shall be increased by 4.5%, 4.6%, and 4.9%, respectively, each year on July 1, 2008, July 1, 2009, and on July 1, 2010, subject to an annual appropriation.

Provides that the state-paid actual salary of city court and parish court judges shall be increased by 4.9% each year on July 1, 2008, July 1, 2009, and on July 1, 2010, subject to an annual appropriation.

Adds requirement that an **increase** in the rate of **annual compensation** for all services required of **sheriffs shall only be by legislative act**.

Effective July 1, 2007. (Amends R.S. 33:1421(A)(1); Adds R.S. 13:49)

8. Faucheux (HB 210)

Act No. 77

Provides for the **salaries of the clerks of district courts** of the various parishes not to exceed the following amounts based on population:

- | | |
|----------------------|-----------|
| (a) Less than 50,000 | \$ 88,000 |
| (b) 50,000 - 200,000 | \$ 98,000 |
| (c) Over 200,000 | \$108,000 |

Effective August 15, 2007. (Amends R.S. 13:782(A)(1))

9. Farrar (HB 148)

Act No. 283

Provides that, effective July 1, 2008, the **annual salary of assistant district attorneys** is \$45,000 payable monthly by the state treasurer upon the warrant of each of the assistant district attorneys.

Effective August 15, 2007. (Amends R.S. 16:11(A)(1))

10. Hill (HB 33)

Act No. 2

In the **33rd JDC** (Allen Parish), **increases court reporter fees** for transcriptions in civil and criminal matters to \$2.75 per 32-line page and retains the 25¢ fee per copy.

Effective June 8, 2007. (Adds R.S. 13:961(F)(1)(s))

11. Wooton (HB 290)

Act No. 145

In the **25th JDC** (Plaquemines Parish) **increases court reporter fees** for original transcriptions to \$2.75 per 32-line page and decreases the fee per copy to 25¢.

Effective August 15, 2007. (Amends R.S. 13:972(D))

12. R. Carter (HB 283)

Act No. 4

Establishes an **indigent transcript fund** for the **21st JDC** (Livingston, St. Helena, and Tangipahoa parishes) for the payment of court reporters in civil and criminal in forma pauperis and indigent cases, and requires that in all civil cases, except actions filed in forma pauperis, there shall be collected an **additional filing fee of 50¢**, which shall be transmitted to the court administrator for further disposition.

Effective August 15, 2007. (Adds R.S. 13:964.3)

13. Baylor (HB 718)

Act No. 238

Adds the **mayor and chief of police** of a municipality, through his attorney or other designated representative in the name of the respective municipality, to those persons who can petition for the **injunction or order of abatement without the payment of any costs.**

Effective August 15, 2007. (Amends R.S. 13:4712)

14. Hunter (HB180)

Act No. 228

Provides that the **sheriff** or the executive officer of any court in the state **may accept payment for all fines**, forfeitures, penalties, and costs by means of **credit card, electronic fund transfer, money order**, bank check, teller's check, cashier's check, traveler's check, electronic fund transfer terminal, electronic financial terminal, automated banking device, or similar device or terminal.

Provides that any sheriff or the executive officer who accepts payments by such means shall collect a **fee for processing** the payments in an amount that is reasonably related to the expense incurred in processing the payment, **not to exceed 5%** of the amount of taxes and any penalties or interest being paid.

Effective August 15, 2007. (Adds R.S. 15:571.11(O))

15. Morrell (HB 392)

Act No. 94

Provides that the jury commission by the judges en banc of the **Criminal District Court** of the parish of Orleans, effective January 1, 2009, shall be appointed by the judges en banc of the **Criminal Division of the 41st JDC** with the concurrence of the judges en banc of the civil division. Provides that in both cases, the jury commissioners shall serve at the pleasure of the court.

Effective August 15, 2007. (Amends C.Cr.P. Art. 404(A)(2))

B. COURTS OF LIMITED JURISDICTION

1. Faucheux (HB 151)

Act No.72

Authorizes a **justice of the peace** to demand and receive \$40 for the filing and service of a subpoena or a subpoena duces tecum and \$20 for notice of seizure in garnishment.

Effective August 15, 2007. (Amends R.S. 13:2590(A)(22) and (B); Adds R.S. 13:2590(A)(31))

X. MISCELLANEOUS

1. Townsend (HB 657)

Act No. 157

Provides for **reciprocal notarial authority** in the parishes of Natchitoches, Sabine, Red River, Bienville, Vernon, and Winn.

Effective August 15, 2007. (Amends R.S. 35:191(S))

2. Murray (SB 42)

Act No. 212

Repeals the requirement that the **custodian of notarial records** in Orleans Parish keep an accurate list of all notaries public in the parish.

Repeals the annual \$20 fee paid by each notary to the custodian and repeals the requirement that the custodian institute proceedings against all non-attorney notaries to test the surety on their official bonds.

Effective July 2, 2007. (Repeals R.S. 35:325-328 and 330-335 and R.S. 44:182.2-182.10)

3. Morris (HB554)

Act No. 155

Provides that the laws relating to **public records** do not apply to any portion of a **notarial examination** administered or to be administered by the secretary of state, including any answers for such a notarial examination.

Effective June 25, 2007. (Adds R.S. 44:4(42)).

4. Baldone (HB 452)

Act No. 476

Authorizes the person appointed to represent the claimant in his dealings with the Social Security Administration, or an agent with written authorization made pursuant to 45 CFR 164.508, to request and be furnished the **health care records** necessary for filing for Social Security benefits.

Provides that if a copy of the health record is not provided within a reasonable period of time, not to exceed 15 days following the receipt of the request and written authorization, and production of the record is obtained through a court order or subpoena duces tecum, the health care provider is liable for reasonable attorney fees and expenses incurred in obtaining the court order or subpoena duces tecum.

The **sanctions will not be imposed unless** the person requesting the copy of the record has **by certified mail notified the health care provider of his failure to comply** with the original request, by referring to the sanctions available, and the health care provider fails to furnish the requested copies within five days from receipt of such notice. Except for their own gross negligence, such health care providers will not otherwise be held liable in damages by reason of their compliance with such request or their inability to fulfill the request.

Effective August 15, 2007. (Amends R.S. 46:18)

5. Beard (HB614)

Act No. 477

Authorizes the father, if married to the mother at the time she receives a **partial birth abortion** procedure, and if the mother has not attained the age of eighteen years at the time of the abortion, the maternal grandparents of the fetus, to obtain relief through a civil action, including monetary damages for injuries, both psychological and physical, and for damages equal to three times the cost of the partial birth abortion.

Authorizes a defendant to seek a review by the La. State Board of Medical Examiners, and provides for admissibility of those findings in the trial of the defendant.

Prohibits a woman upon whom a partial birth abortion is performed from being prosecuted for this offense.

Effective upon signature of governor (July 12, 2007). (Adds R.S. 14:32.10 and R.S. 40:1299.35.17; Repeals R.S. 14:32.9 and R.S. 40:1299.35.16)

6. LaFleur (HB488)

Act No. 314

Authorizes the Louisiana Attorney Disciplinary Board, **Office of Disciplinary Counsel**, and the Louisiana Supreme Court Committee on **Bar Admissions** to have access to and use of **criminal arrest records** that are maintained by the Department of Public Safety and Corrections.

Effective August 15, 2007. (Amends R.S. 44:9(F) and (G))

7. Toomy (HB 489)

Act No. 440

Increases the salary of the governor from \$95,000 to \$130,000 and the salary of the other statewide elected officials from \$85,000 to \$115,000, effective at noon on Jan. 14, 2008, provided that public elementary and secondary school teachers and state employees receive an increase in salary prior to such time.

Effective January 14, 2008. (Amends R.S. 36:10)

CONSTITUTIONAL AMENDMENTS

OCTOBER 20, 2007 BALLOT

1. J.D. Smith (HB 260)

Act No. 486

Adds **jewelry listed as a consignment** article by a jewelry dealer to the list of property exempted from ad valorem taxation.

(Effective January 1, 2008.) (Amends Const. Art. VII, §21(C)(19))

2. Fontenot (SB 2)

Act No. 483

Prohibits the reduction of state salary supplements for full-time local law enforcement and fire protection officers. Further provides that full funding shall be the amount needed to meet legal requirements by law.

(Amends Const. Art VII, §10(D)(3)(a) and (c))

3. Boasso (SB 127)

Act No. 484

Clarifies that future benefit provisions for members of the **state and statewide public retirement systems** shall be altered only by legislative enactment.

Provides that no benefit provision for members of a state retirement system having an actuarial cost shall be approved by the legislature unless a funding source providing new or additional funds **sufficient to pay all such actuarial cost within 10 years** of the effective date of the benefit provision is identified in such enactment. Provides that this provision shall be implemented as provided by law.

(Amends Art. X, §29 (E)(5))

4. Heitmeier (SB 128)

Act No. 485

Authorizes the legislature to supplement the uniform pay plans for sworn, commissioned law enforcement officers employed by a bona fide police agency of the state or its political subdivisions, from any available funds of the state, the department, the agency, or the political subdivision, provided that such supplement may be made available only for those law enforcement officers employed on a full-time basis by such police agency of the state or its political subdivisions and who serve the welfare of the public in the capacity of a police officer by providing police services to the general public, by effecting arrests, issuing citations, and serving warrants while patrolling waterways and riverfront areas.

Authorizes the legislature to supplement the uniform pay plans for fire protection officers employed by a port authority from any available funds of the state, the department, the agency, or the political subdivision, provided that such supplement may be made available only for those fire protection officers employed on a full-time basis who provide fire protection services to a port authority.

(Amends Const. Art. X, §10(A)(1))

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